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STATE OF NEW-YORK.

No. 106.

IN SENATE,

May 18, 1836.

REPORT

Of the joint committee of the Senate and Assembly
on so much of the Governor's message as relates to
domestic slavery.

Mr. Mack, from the joint committee of the Senate and Assembly, to whom were referred so much of the Governor's message as relates to the constitutional rights and the safety of the States in respect to domestic slavery, and sundry communications from the States of Virginia, Ohio, Maine, &c., upon the same subject,

REPORTED:

Concurring in the views and sentiments which were so fully and ably expressed upon this subject in the message of his excellency the Governor, and witnessing the salutary influence which the patriotic stand thus taken by our Chief Magistrate, and other causes, were exerting upon the public mind to arrest the progress of abolition doctrines and efforts, the committee have not deemed it incumbent upon them to report at an earlier period of the session: Nor do they now consider it their duty to occupy ground which may revive unpleasant and unprofitable controversy, and disturb that healthful state of public sentiment, upon a hitherto exciting topic, which seems so happily to exist.

The committee may repeat, as peculiarly applicable at the present time, the declarations of his excellency the Governor, that "our constituents have expressed their enlightened and deliberate judgment upon the subject under consideration;" that, "with an

earnestness and unanimity never before witnessed among us, they have, without distinction of sect or party, in their primary assemblies, and in various other ways, expressed their attachment to the constitution of the federal government; their determination to maintain its guarantees; their disapprobation of the whole system of operations set on foot by the abolitionists; their affection for their brethren of the south; and their fixed purpose to do all that in them lies, consistently with law and justice, to render these sentiments effectual;" and that "*it is not to be believed that these manifestations of public sentiment have been or will be disregarded by those who have been engaged in, or given countenance to, the abolition proceedings.*"

"I am fully persuaded (observes his excellency,) that the powerful energies of public opinion, as it has been called forth throughout the whole State, have already produced most salutary effects, in disabusing many persons who had inconsiderately concurred in the visionary schemes of the abolitionists."

And, he adds:

"Relying on the influence of a sound and enlightened public opinion, to restrain and control the misconduct of the citizens of a free government, especially when directed, as it has been in this case, with unexampled energy and unanimity to the particular evils under consideration, and perceiving that its operations have been thus far salutary, I entertain the best hopes that this remedy, of itself, will remove these evils, or render them comparatively harmless."

The result has demonstrated to every impartial observer, that this reliance upon the virtue, intelligence and patriotism of the people of this State, was founded upon a just estimation of their character.

Public opinion—"enlightened public opinion"—is the conservative principle of free government. Without its sustaining power, the proudest and purest constitution which the wisdom of man could devise, would be as indefinite and unstable as an oral compact; and the strongest and most rigid laws that could be framed in accordance with its restrictions and obligations, would be weak and fragile as spiders' webs. To this tribunal may be appropriately and safely referred all errors and differences of opinion—all

mental agitations and discussions which involve religious creeds—abstract political rights, or measures of public policy.

But a just, a liberal and an enlightened condition of public opinion, cannot be produced or sustained, except where a free press is recognized and cherished in harmonious alliance with the constitution and the laws. The “liberty of speech and of the press” is guarantied by the Constitution of this State and that of the United States: and it is a most delicate and difficult task of discrimination for legislators to determine at what point this rational and constitutional liberty terminates, and venality and licentiousness begin. It is indeed more safe to tolerate the licentiousness of the press than to abridge its freedom; for a corrective of the evil will be generally found in the force of truth and the influence of those moral principles and energies which unrestrained discussion seldom fails to elicit.

It has not, therefore, been at any time the intention of the committee, nor do they believe it would comport with the views of any member of the government, to recommend the adoption of any measure which should “restrain or abridge the liberty of speech or of the press,” as secured by the Constitution, and deeply interwoven with the institutions and habits of the people. They are well persuaded, that the efforts of designing faction, of unchastened ambition, of false philanthropy and misguided zeal, to disturb the peace and endanger the safety of our sister States of the South, and involve us in serious difficulties with them, have so far yielded to rational reflection and the force of public sentiment as to render legislation upon this subject unnecessary and inexpedient.

But in justice to themselves and to the occasion, the committee must express their accordance with the opinion of his excellency the Governor, “that the Legislature possesses the power to pass such penal laws as will have the effect of preventing the citizens of this State and residents within it, from availing themselves, with impunity, of the protection of its sovereignty and laws, while they are actually employed in exciting insurrection and sedition in a sister State, or engaged in treasonable enterprises, intended to be executed therein.”

What point of obligation, what degree of danger or of necessity, may justify the exercise of this power, and to what extent it may be carried consistently with the letter or spirit of the Con-

stitution, the committee are not now called upon to determine. The crisis which may demand and justify its exercise, they trust is far distant: most fervently do they hope it may never arrive.

The people of this State, by their ready and numerous manifestations upon the subject under consideration, have furnished renewed and honorable evidence of their attachment to the Union. They have "frowned indignantly upon the first dawning" of an insidious attempt to separate them from those with whom their welfare and prosperity are identified. They have, without religious or political distinction, declared their readiness to forego and to discountenance the exercise of abstract rights and the discussion of speculative doctrines, which are calculated to disturb those domestic relations of other States that are recognized and guaranteed by the Constitution, and to endanger the peace, the prosperity, and the lives of their citizens: And should occasion require, they will be found ready, in the same spirit of forbearance, under a deep sense of the obligations which rest upon them as christians and as patriots, to make further sacrifices and to incur greater responsibilities, to strengthen those bonds which constitute as one the American people, and to cherish and perpetuate our free and happy form of government.

The committee, therefore, find themselves relieved from all painful responsibilities, and respectfully recommend to the Legislature the adoption of the following

RESOLUTIONS:

Resolved, by the Senate and Assembly of the State of New-York:

1. That the views and sentiments contained in the late annual message of the Governor of this State, recognizing the constitutional right of the several States of the Union to regulate and control, within their own limits, the relations of master and slave, and to continue or abolish the same, as the governments of those States may respectively deem consistent with their duty, safety and welfare, meet the full and cordial concurrence of this Legislature.

2. That the people of this State, by responding, with unexampled unanimity, to those views and sentiments, and manifesting their determination to abstain from and to discountenance, those political agitations and public discussions of the subject of domes-

tic slavery, which were calculated to produce an exciting, an improper and a pernicious influence within the limits of other States, have given to the Union stronger guaranties than law could furnish, and rendered present legislation upon the subject, by their representatives, unnecessary and inexpedient.

3. That the Governor be requested to transmit a copy of the foregoing report and resolutions to each of the Senators and Representatives of this State in Congress; and also a copy to the Executive of each of the States of the Union, with a request that they be submitted to the respective Legislatures thereof.





